

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARIANNE ROCHELLE  
THOMPSON,**

**Plaintiff,**

**vs.**

**CIV. NO. 1:23-00216-KRS**

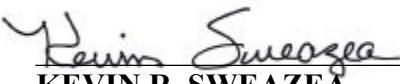
**MARTIN O'MALLEY,  
Commissioner of Social  
Security,**

**Defendant.**

**ORDER**

The Court, having reviewed the parties' Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 29), **HEREBY ORDERS** that attorney fees are awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$8,000.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). **IT IS FURTHER ORDERED THAT**, Plaintiff is entitled to costs in the amount of \$402, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412. *See* 28 U.S.C. § 2412(a)(1).

**IT IS FURTHER ORDERED THAT**, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

  
**KEVIN R. SWEAZEA**  
**UNITED STATES MAGISTRATE JUDGE**